IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24/11/2004

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THE HONOURABLE MR.JUSTICE V.KANAGARAJ

CRIMINAL REVISION CASE No.1875 OF 2004.

R.Ayyanar ... Petitioner

-Vs-

State, by the
Inspector of Police
P.E.W. Poonamallee
Chennai
(Cr .No.731 of 2004) ... Respondent

Criminal Revision Case filed under Section 397 and 401 of the Cr.P. C.

For petitioner : Mr.M.Kabilan

For respondent : Mr.V.Jayaprakashnarayanan
G.A.(Criminal side)

:O R D E R

The above Criminal Revision Case is filed praying to set aside the order dated 28.9.2004 made in C.M.P.No.2803 of 2004 by the Court of Judicial Magistrate No.I, Poonamallee, thereby dismissing the petition filed by the petitioner under Sections 451 Cr.P.C. for return of the L.M.V.Autorickshaw lorry bearing Registration No.TN-22-AA-7573 which is alleged to have been involved in a case registered for the offence punishable under Sections 4(1)(aaa) and 4(1-A) of the T.N.P.Act.

2. On a perusal of the materials placed on record and upon hearing the learned counsel for both, it comes to be known that the petitioner is the accused in the case and the owner of the vehicle in question which was seized by the respondent police in connection with the above case. Since the petition filed by the petitioner before the trial Court praying return of the vehicle was dismissed on ground that the petitioner is the accused in the case, the petitioner has come forward to file the above revision case on ground that if the vehicle is allowed to remain in the police station, it will get damaged and also will looks its value.

3. Considering all the facts and circumstances of the case, since it is not disputed that the petitioner is the owner of the vehicle and further if the vehicle is kept idle, there is every possibility of the vehicle getting

damaged, this Court is of the view that the prayer of the petitioner could be ordered favourably, but with the following conditions:

In result,
(i) the above Criminal Original Petition is allowed.

(ii) The order dated 28.9.2004 made in C.M.P.No.2803 of 2004 by the Court of Judicial Magistrate No.I, Poonamallee is hereby set aside.

(iii)The L.M.V.Autorickshaw bearing Registration No.TN-22-AA-7573 is ordered to be given in custody to the petitioner on condition that the petitioner shall execute a bond for a sum of Rs.30,000/- (Rupees Thirty thousand Only) with two sureties for a like sum each to the satisfaction of the Judicial Magistrate No.I, Poonamallee. The sureties to be men/women of status and they shall cause production of their family cards and original documents of title deeds of immovable property for verification. However, no surety certificate either from the Village Administrative Officer or the Tahsildar concerned need be necessary.
(iv) The petitioner is directed to surrender the R.C.Book before the Court below.
(v) The petitioner is further directed not to alienate or encumber the said vehicle, pending disposal of the criminal case.
(vi) The petitioner is directed not to alter the physical condition of the vehicle.

(vii)The petitioner shall cause production of the vehicle before the Court of Judicial Magistrate No.I, Poonamallee at 10.00 a.m. on every first working day of the month, until further orders.

Index: Yes
Internet:Yes

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To

1. The Sub Inspector of Police
P.E.W.Poonamallee
Chennai.

2. The Judicial Magistrate No.I,
Poonamallee.

3. The Public Prosecutor,
High Court, Madras.